

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13001 of Grant Park Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements to erect a nursing home which does not share a common division wall (Sub-section 3305.4) in an R-5-B District at the premises 5051 Hayes Street, N. E., (Square 5179 and 5197, Lots 1-6, 809-811, 37-41, 55, 58 and 801).

HEARING DATE: July 25, 1979

DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. The subject site is located in an R-5-B District on the south side of Hayes Street between 50th and 51st Streets, N. E.

2. The subject site is presently vacant and unimproved. It is irregularly shaped, with a width that is 290 feet across for the majority of the lot. The rear lot lines are not paralleled to the front.

3. The property is divided by a sixteen foot wide easement which runs perpendicular to Hayes Street approximately down the middle of the site. No building can be erected in the area covered by the easement. The location of the easement is shown on the site plan marked as Exhibit No. 17 of the record.

4. The applicant proposes to erect a nursing home containing 300 beds on the site. A nursing home is a use permitted as a matter-of-right in an R-5-B District.

5. The building will be erected on the portion of the site located to the east of the sewer easement. Parking for sixty-one cars will be located west of the sewer easement. The main entrance to the facility will be on the west side of the building, facing the parking lot.

6. Because of the irregular shape of the lot, the building as proposed will have a twenty-three foot side yard on the west side. The east side of the building will be located on

the property line which abuts a twelve foot public alley.

7. The shape, configuration and size of the building were dictated by the need to provide an economically feasible design for the nursing home.

8. There was no written report from Advisory Neighborhood Commission 7-C.

9. The owner of the property located across the alley to the east appeared at the hearing and supported the application on the grounds it would help improve the neighborhood. The Board concurs.

10. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of some exceptional situation or condition of the property which causes a practical difficulty upon the owner. The Board concludes that the irregular shape of the property, the location of the sewer easement and the need to design an economically feasible building combine to create the exceptional condition and practical difficulty for the owners. The Board concludes that the construction of a nursing home would help to improve the area, and that the relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore ORDERED that the application be GRANTED

VOTE: 4-0 (Chloethiel Woodard Smith, Leonard L. McCants, William F. McIntosh and Charles R. Norris to grant).

BY ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 22 OCT 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.